Supreme Court, U.S.
FILED
JUN 3 2002
CLERK

(16)

No. 01-729

IN THE

Supreme Court of the United States

GLENN G. GODFREY AND BRUCE M. BOTELHO,
Petitioners,

v.

JOHN DOE I, JANE DOE, AND JOHN DOE II,
Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

JOINT APPENDIX

BRUCE M. BOTELHO
Attorney General
STATE OF ALASKA
Department of Law
P.O. Box 110300
Juneau, Alaska 99811
(907) 465-3600

JOHN G. ROBERTS, JR.*
JONATHAN S. FRANKLIN
CATHERINE E. STETSON
HOGAN & HARTSON L.L.P.
555 Thirteenth Street, N.W.
Washington, D.C. 20004
(202) 637-5810

Counsel for Petitioners
* Counsel of Record

DARRYL L. THOMPSON*
841 I Street
Anchorage, Alaska 99501
(907) 272-9322

Counsel for Respondents John Doe I and Jane Doe

VERNE RUPRIGHT*
RUPRIGHT & FOSTER
322 Main Street
Wasilla, Alaska 99654
(907) 373-2215

Counsel for Respondent John Doe II

(additional counsel on inside cover)

PETITION FOR CERTIORARI FILED NOVEMBER 21, 2001
CERTIORARI GRANTED FEBRUARY 19, 2002

Additional counsel for petitioners:

CYNTHIA M. COOPER
3410 Southbluff Circle
Anchorage, Alaska 99515
(907) 349-3483

Relevant Docket Entries from the United States Court of Appeals for the Ninth Circuit 1

Relevant Docket Entries from the United States District Court for the District of Alaska 5

The appendix to the petition for certiorari contains the following material which is omitted from the Joint Appendix:

A. Amended Opinion of the United States Court of Appeals for the Ninth Circuit (August 8, 2001)..... 1a

B. Initial Opinion of the United States Court of Appeals for the Ninth Circuit (April 9, 2001)..... 33a

C. Order of the United States District Court for the District of Alaska (March 31, 1999)..... 69a

D. Order of the United States District Court for the District of Alaska (August 12, 1999)..... 118a

E. Order Denying Petition for Rehearing and Petition for Rehearing En Banc (September 6, 2001)..... 123a

F. Order Denying Petition for Rehearing and Petition for Rehearing En Banc (August 23, 2001)..... 124a

The appendix to the opposition to the petition for certiorari contains the following material which is omitted from the Joint Appendix:

Transcript of Oral Argument (Excerpt), August 1, 2000 ..... 1a

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 99-35845

JOHN DOE I, *et al.*,
Plaintiffs-Appellants,

v.

RONALD L. OTTE, *et al.*,
Defendants-Appellees.

DOCKET ENTRIES

DATE	FILINGS – PROCEEDINGS
8/27/99	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS SENT (Y/N): n. setting schedule as follows: appellant's designation of RT is due 8/30/99; appellee's designation of RT is due 9/7/99; appellant shall order transcript by 9/17/99; court reporter shall file transcript in DC by 10/18/99; certificate of record shall be filed by 10/25/99; appellant's opening brief is due 12/6/99; appellees' brief is due 1/3/00; appellants' reply brief is due 1/18/00; [99-35845] (mhf)
12/20/99	Filed original and 15 copies of Appellant's opening brief (Informal: No) 62 pages and five excerpts of record in 1 vol; served on 12/16/99 [99-35845] (cha)

2/4/00	Filed UNDER SEAL Appellees Ronald L. Otte and Bruce M. Botelho's Suppl. Excpt in 1 vol. Served on 02/04/00. (casefile) [99-35845] (cha)
2/4/00	Filed original and 15 copies of appellee's answering brief in 65 pages brief, 5 Exc. in 1 vol UNDER SEAL; served on 1/19/00 (cha)
4/13/00	Filed original and 15 copies John Doe, Jane Doe and John Doe II's reply brief, (Informal: NO) 17 pages; served on 1/31/00 [99-35845] (sm)
8/1/00	ARGUED AND SUBMITTED TO Dorothy W. NELSON, Stephen R. REINHARDT, Sidney R. THOMAS [99-35845] (jmr)
4/9/01	FILED OPINION: REVERSED and REMANDED (Terminated on the Merits after Oral Hearing; Reversed; Written, Signed, Published. Dorothy W. NELSON; Stephen R. REINHARDT, author; Sidney R. THOMAS) FILED AND ENTERED JUDGMENT. [99-35845] (sm)
4/23/01	[4150177] Filed original and 50 copies Appellee Ronald L. Otte, Appellee Bruce M. Botelho petition for rehearing with suggestion for rehearing en banc 20 pages, served on 4/20/01. PANEL AND ALL ACTIVE JUDGES [99-35845] (gar)

4/27/01	Filed order (Stephen R. REINHARDT): Aples are directed to file a response to the aples' pet for rhrg and pet for rhrg en banc, which was filed with this ct on 4/23/01. The response is not to exceed 15 pages and is to be filed within 21 days from the date of this order. 50 copies should be filed. [99-35845] (gar)
5/17/01	Filed Appellant John Doe, Jane Doe, John Doe's response to petition opposing petition for enbanc rehearing [4150177-1] served on 5/16/01. PANEL AND ALL ACTIVE JUDGES [99-35845] (gar)
7/24/01	Filed amended opinion (Judges Dorothy W. NELSON, Stephen R. REINHARDT, Sidney R. THOMAS) (Orig. opinion id: 4/9/01 [4138519-1]) [99-35845] (gar)
8/8/01	Filed order and amended opinion (Judges Dorothy W. NELSON, Stephen R. REINHARDT, Sidney R. THOMAS) Order: The opinion filed 4/9/01 and amended on 7/24/01 is further amended as follows: Slip o. Page 9431, delete FN 10. (Orig. opinion id: [4138519-1]) [99-35845] (gar)
8/14/01	[4230647] Filed original and 50 copies Appellee Bruce M. Botelho, Appellee Ronald L. Otte petition for rehearing with suggestion for rehearing en banc 20 pages, served on 8/13/01. PANEL AND ALL ACTIVE JUDGES [99-35845] (gar)

8/23/01	Filed order (Dorothy W. NELSON, Stephen R. REINHARDT, Sidney R. THOMAS): The panel has voted to deny the pet for rhrg * * * The full ct has been advised of the pet for rhrg en banc and no active judge has requested a vote * * * Denying petition for enbanc rehearing [4230647-1] [99-35845] (gar)
8/31/01	MANDATE ISSUED with costs taxed against appellees in the amount of $261.10 [99-35845] (gar)
9/6/01	Filed order (Dorothy W. NELSON, Stephen R. REINHARDT, Sidney R. THOMAS): denying petition for enbanc rehearing [4150177-1] [99-35845] (gar)
12/3/01	Received notice from Supreme Court: petition for certiorari filed Supreme Court No. 01-729 filed on 11/21/01. [99-35845] (gar)
2/25/02	Received notice from Supreme Court, petition for certiorari GRANTED on 2/19/02. Supreme Court No. 01-729 PANEL (gar)

U.S. DISTRICT COURT
DISTRICT OF ALASKA

CIVIL DOCKET FOR CASE #: A94-206

JOHN DOE I, *et al.*,

Plaintiffs.

v.

RONALD L. OTTE, *et al.*,

Defendants.

DOCKET ENTRIES

DATE	NO.	PROCEEDINGS
5/13/94	1	FLD pltf complaint, issued summons.
5/13/94	3	FLD pltf mot for prelim injunction.
6/03/94	10	FLD pltf amended complaint for prelim & perm injunction & declaratory judgment. ISSUED SUM.
6/20/94	20	FLD def's opp to mot for prelim injunction.
6/23/94	26	FLD plf's reply to opp re: prelim injunction w/att exhbs.
7/27/94	33	Fld ORDER DENYING & GRANTING in part #3, pltf's to amend complaint in own names by 8-10-94. cy cnsl.

7/10/98	95	DEF 2-3 motion for summary judgment w/att memo.
9/02/98	107-1	PLF 1-3 opposition to DEF 2-3 motion for summary judgment w/att memo (95-1).
9/02/98	107-2	PLF 1-3 motion (cross) for summary judgment (on all claims pursuant to R56).
10/15/98	111-1	DEF 2-3 opposition to PLF 1-3 motion (cross) for summary judgment (on all claims pursuant to R56 (107-2).
10/15/98	111-2	DEF 2-3 reply to opposition to DEF 2-3 motion for summary judgment (95-1).
11/09/98	113	PLF 1-3 reply to opposition to PLF 1-3 motion (cross) for summary judgment (on all claims pursuant to R56) (107-2).
3/31/99	118	HRH ORDER denying motion (cross) for summary judgment (107-2) w/leave to renew by 4/30/99; granting/denying motion for summary judgment (95-1); denying mot to file supp brief (#115); if no renewed mot fld by 4/30/99 clk shall enter judg. cc: cnsl
4/29/99	119	PLF 1-3 motion (second) for summary judgment on count X w/att memo.

5/21/99	123-1	DEF 2-3 opposition to PLF 1-3 motion (second) for summary judgment on count X (119-1).
5/21/99	123-2	DEF 2-3 memo in support of DEF 2-3 motion (second – cross) for summary judgment. (124-1)
5/21/99	124-1	DEF 2-3 motion (second – cross) for summary judgment.
6/22/99	128-1	PLF 1-3 opposition to DEF 2-3 motion (second – cross) for summary judgment. (124-1)
6/22/99	128-2	PLF 1-3 reply to opposition to PLF 1-3 motion (second) for summary judgment on count X (119-1).
7/08/99	130	DEF 2-3 reply to opposition to DEF 2-3 motion (second – cross) for summary judgment. (124-1).
8/12/99	133	(VACATED PER ORDER AT DKT 144) HRH Order denying plfs motion (second) for summary judgment on count X (119-1); granting defs motion (second – cross) for summary judgment (124-1). cc: cnsl
8/13/99	134	(VACATED PER ORDER AT DKT 144) HRH Judgment that plfs' complaint is dismissed with prejudice. cc: cnsl, O&J 10684
8/16/99	135	PLF 1-3 motion for injunction pending appeal w/att memo.

8/18/99	136	PLF 1-3 appeal to 9CCA of (134-1) filed 08/13/99. cc: cnsl, Judge Holland, 9CCA
8/23/99	139	DEF 2-3 opposition to PLF 1-3 motion for injunction pending appeal (135-1).
8/27/99	140	PLF 1[-]3 reply to opposition to PLF 1-3 motion for injunction pending appeal (135-1).
9/10/99	141	HRH Order granting motion for injunction pending appeal (135-1); court's preliminary injunction is reinstated pending disposition of plfs' appeal to 9CCA. cc: cnsl
9/04/01	143	9CCA Judgment re: notice of appeal (136-1) that the district court's decision is REVERSED AND REMANDED. cc: cnsl, Judge Holland
11/07/01	144	HRH Order re: the judgment of 8/13/99 and the court's order dated 8/12/99 ruling upon x-mots for summary judgment are both vacated. Counsel to file a status report by 12/6/01 re: further proceedings necessary to bring plfs' complaint to a conclusion. cc: cnsl
1/09/02	148	HRH final judgment granted in favor of plfs & against defs; plfs are prevailing party. cc: cnsl, O&J 11288